

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SHAWN M. THOMAS,)	CASE NO. 1:14CV2127
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	ORDER
)	
CHAD ROGERS,)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J.:

This matter comes before the Court upon the Report and Recommendation (ECF DKT #33) of Magistrate Judge McHargh, recommending that Defendant's Motion to Dismiss (ECF#24) be granted in part and denied in part. Plaintiff has filed a Notice that he does not object to the Recommendation. Defendant has not filed an objection to the Report and Recommendation.

FED. R. CIV.P. 72(b) provides that objections to a Report and Recommendation must be filed within fourteen days after service, but both parties have failed to timely file any such objections. Therefore, the Court must assume that both Parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d

813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the Report and Recommendation is adopted and the Motion is granted as to several claims (e.g., excessive force, deliberate indifference to serious medical needs, access to courts) which appeared in the original Complaint, were previously dismissed, and affirmed on Appeal. The Motion is denied as to the additional factual allegations concerning the conditions of confinement which relate back to the original Complaint, and denied as to the Eighth Amendment claim against Rogers, arising from the conditions of confinement.

IT IS SO ORDERED.

DATE: 11/21/16

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge